IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal Bail Application No.1887 of 2006

Salim @Shamshuddin M. H. Shaikh ..Applicant

vs

State of Maharashtra and Anr, ..Respondents

Mr.C.V.Lad for the applicant

Mr. D.S.Mhaispurkar, Addl. Public Prosecutor for the respondent State.

Mr S.V.Marvadi for respondent No.2.

CORAM: KSHITIJ R. VYAS, C.J.

DATE: JUNE 30, 2006.

P.C.:-

The applicant, who is charged with offence punishable under sections 366(A) and 376 of the Indian Penal Code has applied for bail by way of present application. It may be stated that in respect of the offences under sections 366(A) and 376 of the Indian Penal Code a C.R.No 1484 of 2005 has been registered at Mira Road Police Station. It may be further stated that the application was released on bail by the learned Joint District Judge, Thane vide order dated 16th January 2006 passed in Criminal Bail

Application No.1501 of 2005. Thereafter the original complainant moved the trial court by way of Misc. Application No.22 of 2006 for cancellation of bail. It is alleged that in the said Misc. Application that the applicant used to give threats to her as well as her daughter. Pursuant to the said application on 10th March ,2006 the applicant was again arrested and was denied bail till the decision of the aforesaid application. Thereafter on 23/27th March, 2006, the learned Joint District Judge, Thane allowed the said Misc. Application filed by the respondent for cancellation of bail granted to the applicant.

2. Having gone through the impugned order passed by trial court and having heard the leaned counsel for the applicant and respondent No.2 as well as the learned Addl. Public Prosecutor for the State, I am of the view that the trial court has erred in cancelling the bail granted to the applicant and that too on the alleged threats given by the applicant to the complainant. The learned trial judge ought to have directed inquiry as to the correctness of the allegations before passing the impugned order. In the above circumstances following order is passed:

The applicant is released on bail on the following conditions:

The impugned order dated 23/27th March, 2006 is set aside. The applicant shall be released on bail on his executing P.R. In the sum of Rs.15,000/- with one surety in the like amount, on usual terms and conditions with an additional condition that he shall not enter Thane district till the trial is over without permission of the court. After the release on bail, the applicant shall furnish to the trial court and also to the concerned investigation officer, his residential address where he will reside till disposal of the case. He should also mention name of the nearest police station of the place where he will reside during the pendency of the case. He shall also report once in a week at the nearest police station where he resides on any Saturday between 11 a.m. and 5.00 p.m. till the disposal of the case. Any breach of aforesaid conditions shall be a ground for cancellation of bail.

CHIEF JUSTICE